

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF WEST VIRGINIA

FILED

JACK E. MALLOW,
Plaintiff,

OCT 01 2007

U.S. DISTRICT COURT
ELKINS WV 26241

v.

Civil Action 2:02CV26

ADVANCED WATER SOLUTIONS, INC., and
HOUSEHOLD RETAIL SERVICES,
Defendants.

ORDER

On 6th day of September, 2007, came the Plaintiff, Jack E. Mallow, by counsel, Scott Curnutte, and moved this Court for entry of a default judgment against the Defendant, Advanced Waters Solutions, Inc., pursuant to Federal Rule of Civil Procedure 55(a), for its failure to plead or otherwise defend as provided by these rules. Defendant, Advanced Water Solutions, Inc., or counsel for Advanced Water Solutions, Inc., did not appear.

On 3 July 2007, Advanced Water Solutions, Inc., was properly served with the Summons and Complaint through the Secretary of State of West Virginia at the address on file with the Secretary of State for that entity. A certified mail receipt was signed by an officer of Advanced Water Solutions, Inc.—Michael Chicka—on 8 July 2002. Defendant, Advanced Water Solutions, Inc., did not answer or otherwise defend. Accordingly, a Motion for Default Judgment and Affidavit was filed and served 19 September 2002 as to Defendant Advanced Water Solutions, Inc. An Entry of Default Judgment against Advanced Water Solutions, Inc., was entered by this Court 11 December 2002. On 30 April 2003, Household Retail Services was

dismissed as a party to this case by an Agreed Order of the parties.

Wherefore, the Plaintiff's Motion for Default Judgment against the Defendant, Advanced Water Solutions, Inc., is hereby granted as the result of its failure to appear or otherwise defend as provided by the Federal Rules of Civil Procedure 55(a). Plaintiff is hereby awarded compensatory damages in the amount of \$18,149.56; punitive damages in the amount of \$58,198.68 and attorney fees in the amount of \$1,000.00.

The Clerk is hereby directed to transmit a copy of this Order to all counsel of record herein.

ENTER: 14 day of October, 2007.



UNITED STATES DISTRICT JUDGE